

103D CONGRESS
1ST SESSION

H. R. 2936

To amend the Abandoned Infants Assistance Act of 1988 to prevent abandoned infants from experiencing prolonged foster care where a permanent adoptive home is available.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 6, 1993

Mr. FAWELL (for himself, Mr. LIPINSKI, Mr. PORTER, Mr. HYDE, Mr. HASTERT, Mr. KLINK, Mr. BALLENGER, Mr. KILDEE, Mr. WOLF, Mr. UPTON, Mr. GREENWOOD, Mr. RAVENEL, Mr. SANTORUM, Mr. SOLOMON, Ms. PRYCE of Ohio, and Mrs. ROUKEMA) introduced the following bill; which was referred jointly to the Committees on Education and Labor and Energy and Commerce

A BILL

To amend the Abandoned Infants Assistance Act of 1988 to prevent abandoned infants from experiencing prolonged foster care where a permanent adoptive home is available.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “At-Birth Abandoned
5 Infants Assistance Amendments of 1993”.

1 **SEC. 2. FINDINGS.**

2 The Congress finds that—

3 (1) each year thousands of infants throughout
4 the United States are abandoned by their parents
5 shortly after birth, such as when a mother gives
6 birth at a hospital under an assumed name and ad-
7 dress and then disappears afterwards, leaving the in-
8 fant behind, when the whereabouts of the parents
9 are unknown, and when infants are left to die in
10 garbage dumpsters because their mothers cannot
11 care for them;

12 (2) infants who are abandoned during the form-
13 ative months occurring shortly after birth are denied
14 the ability to bond with a loving parent or parents;

15 (3) the process of attachment or bonding be-
16 tween an infant and the same adults is essential to
17 the development of a healthy personality in the in-
18 fant;

19 (4) the Inspector General of the Department of
20 Health and Human Services, in the February 1990
21 report entitled “Crack Babies”, states that legisla-
22 tion “should reduce barriers to placing drug exposed
23 infants into foster care and adoptive homes and es-
24 tablish ‘fast track’ procedures to expedite child wel-
25 fare cases involving drug abuse”;

1 (5) according to experts, current legal rules and
2 agency policies make it exceedingly difficult and time
3 consuming to terminate parental rights of those par-
4 ents who truly abandon their infants, and as a result
5 very few of those abandoned infants are available for
6 adoption;

7 (6) the welfare of infants abandoned during the
8 formative months occurring shortly after birth is of
9 such special interest and concern to our society that
10 if there are persons desiring to adopt and parentally
11 bond with such an infant, the infant should be af-
12 forded the right to expeditious placement with, and
13 adoption by, such persons; and

14 (7) other steps should be taken to expedite the
15 adoption of infants who are abandoned during the
16 formative months occurring shortly after birth.

17 **SEC. 3. PURPOSE.**

18 The purpose of this Act is to encourage States to im-
19 plement a system that will expedite the initiation of the
20 adoption process for infants abandoned at birth. In doing
21 so, States will appoint competent persons to be
22 preadoptive parents for infants abandoned at birth in
23 order to provide a proper and loving home during the in-
24 fants' formative months. The preadoptive parents will also
25 be responsible for initiating legal proceedings that could

1 lead to the legal adoption of the infant. Once the proceed-
 2 ings have been initiated, the State courts of proper juris-
 3 diction will continue to be responsible for the final deci-
 4 sion, taking into account the legal rights of all the parties
 5 involved, including the infant abandoned at birth, the nat-
 6 ural parents, the preadoptive parents, and the State.

7 **SEC. 4. ADOPTION BY PREADOPTIVE PARENTS OF CERTAIN**
 8 **ABANDONED INFANTS.**

9 (a) CERTAIN STATE LAWS REQUIRED AS CONDITION
 10 OF PROJECT GRANTS.—Title 1 of the Abandoned Infants
 11 Assistance Act of 1988 (42 U.S.C. 670 note) is amend-
 12 ed—

13 (1) in section 101(a), by striking “The Sec-
 14 retary” in the matter preceding paragraph (1) and
 15 inserting “Subject to section 101A, the Secretary”;
 16 and

17 (2) by inserting after section 101 the following
 18 section:

19 **“SEC. 101A. CERTAIN STATE LAWS REQUIRED AS CONDI-**
 20 **TION OF PROJECT GRANTS.**

21 “(a) IN GENERAL.—The Secretary may not make a
 22 grant under section 101 to a public or nonprofit private
 23 entity unless the project for which the grant is to be made
 24 is located in a State for which there is in effect State laws
 25 and rules of law that provide all of the following:

1 “(1) Within 30 days after the State obtains
2 custody of a designated abandoned infant (as de-
3 fined in subsection (b)), the State shall—

4 “(A) find 1 or more individuals to be the
5 preadoptive parents of such infant;

6 “(B) designate such individual or individ-
7 uals as the preadoptive parents of the infant;
8 and

9 “(C) place the infant with such individual
10 or individuals.

11 “(2)(A) During the 90-day period beginning on
12 the date a designated abandoned infant is placed
13 with the preadoptive parents of the infant, the
14 preadoptive parents shall have the right to petition
15 the courts of the State for an expedited hearing—

16 “(i) to terminate the parental rights of all other
17 persons with respect to the infant; and

18 “(ii) to become the adoptive parents of the in-
19 fant.

20 “(B) In determining whether to grant a petition
21 described in subparagraph (A), the courts of the
22 State shall not draw any inference adverse to the in-
23 terests of a petitioner by reason of the present or
24 former status of any petitioner as a foster parent.

1 “(3) If the preadoptive parents of a designated
2 abandoned infant fail to file a petition described in
3 paragraph (2)(A) during the 90-day period described
4 in such paragraph, the State shall—

5 “(A) immediately revoke their designation
6 as the preadoptive parents of the infant; and

7 “(B) within 30 days after the end of such
8 90-day period—

9 “(i) find 1 or more individuals (other
10 than the former preadoptive parents of the
11 infant) to be the new preadoptive parents
12 of the infant;

13 “(ii) designate such individual or indi-
14 viduals as the preadoptive parents of the
15 infant; and

16 “(iii) place the infant with such indi-
17 vidual or individuals.

18 “(b) DEFINITIONS.—For purposes of this section, the
19 term ‘designated abandoned infant’ means an abandoned
20 infant—

21 “(1) who has not attained the age of 18
22 months; and

23 “(2) whose abandonment occurs during the first
24 6 months after the infant is born.

1 “(c) RULE OF CONSTRUCTION.—The provisions and
2 rules of State law that are enacted or adopted pursuant
3 to this subsection shall not be construed to affect any pro-
4 vision or rule of State law with respect to the abandon-
5 ment of children that is not so enacted or adopted, except
6 to the extent that such provisions or rules of State law
7 are in direct conflict.”.

8 (b) APPLICABILITY.—The amendment made by sub-
9 section (a) shall not apply to any child who attains the
10 age of 18 months before the date of the enactment of this
11 Act.

12 **SEC. 5. EFFECTIVE DATE.**

13 (a) IN GENERAL.—Except as provided in subsection
14 (b), the amendments made by this Act shall apply to
15 grants under section 101 of the Abandoned Infants Assist-
16 ance Act of 1988 for fiscal years beginning after the fiscal
17 year in which this Act is enacted.

18 (b) DELAY PERMITTED IF STATE LEGISLATION RE-
19 QUIRED.—In the case of a grant under section 101 of the
20 Abandoned Infants Assistance Act of 1988 to a project
21 with respect to which the Secretary of Health and Human
22 Services determines that State legislation is required
23 (other than legislation appropriating funds) in order to
24 meet the condition established in section 101A of such Act
25 for the project to receive such a grant, the project shall

1 not be regarded as failing to meet such condition solely
2 on the basis that such legislation is not in effect before
3 the 1st day of the 1st calendar quarter beginning after
4 the close of the 1st regular session of the State legislature
5 that begins after the date of the enactment of this Act.
6 For purposes of the previous sentence, in the case of a
7 State that has a 2-year legislative session, each year of
8 such session shall be deemed to be a separate regular ses-
9 sion of the State legislature.

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